

AO 106 (Rev. 04/10) Application for a Search Warrant (Page 1)

UNITED STATES DISTRICT COURT  
for the  
Northern District of New York



In the Matter of the Search of )  
 (Briefly describe the property to be searched )  
 or identify the person by name and address) ) Case No. 1:22-MJ-~~744~~ (DJS)  
 A DNA SAMPLE, THAT IS, DNA/BUCCAL )  
 ORAL SWAB SAMPLE FROM CHARLES )  
 WILLIAMS (DOB: 12/30/1988) )

**APPLICATION FOR A SEARCH WARRANT**

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:  
*(identify the person or describe the property to be searched and its given location):*

CHARLES WILLIAMS (DOB: 12/30/1988)

located in the Northern District of New York, there is now concealed  
*(identify the person or describe the property to be seized):*

A DNA SAMPLE, THAT IS, DNA/BUCCAL ORAL SWAB SAMPLE FROM CHARLES  
 WILLIAMS (DOB: 12/30/1988)

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;  
☐ contraband, fruits of crime, or other items illegally possessed;  
☐ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

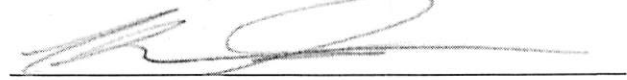
The search is related to a violation of:

|                       |                                  |
|-----------------------|----------------------------------|
| Code Section          | Offense Description              |
| 18 U.S.C. § 922(g)(1) | Felon in Possession of a Firearm |

The application is based on these facts:

See attached affidavit

- ☒ Continued on the attached sheet.  
☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days): [Click here to enter a date.](#)  
 is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

  
 Applicant's signature  
 Robert Imburgio, Deputy U.S. Marshal  
 Printed name and title

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Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date:

11/29/2022

  
\_\_\_\_\_  
*Judge's signature*

City and State:

Albany, NY

Hon. ~~Christian F. Hummel~~, U.S. Magistrate Judge

\_\_\_\_\_  
*Printed name and title*

Daniel Stewart



IN THE UNITED STATES DISTRICT COURT  
FOR NORTHERN DISTRICT OF NEW YORK

A DNA SAMPLE, THAT IS, DNA/BUCCAL  
ORAL SWAB SAMPLE FROM CHARLES  
WILLIAMS (DOB: 12/30/1988)

Case No. 1:22-MJ-744 (DJS)

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF SEARCH WARRANT**

I, ROBERT IMBURGIO, being duly sworn, depose and state that:

**INTRODUCTION**

1. I am a Deputy United States Marshal, and have been so employed for more than twelve years. Over the course of my career, I have been involved in hundreds of fugitive investigations with the New York/New Jersey Regional Fugitive Taskforce and have received over 1000 hours of investigative training. I am currently assigned to the enforcement section of the United States Marshals Service, Northern District of New York, in Albany, New York. My duties include investigating and serving warrants for arrest.

2. As a Deputy United States Marshal, I am an “investigative or law enforcement officer of the United States,” within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Section 2516, Title 18, United States Code. I am further authorized to seek and execute Federal arrest and search warrants for criminal offenses.

3. This affidavit is submitted in support of an application by the United States for a warrant to obtain a DNA sample, that is, DNA/buccal oral from CHARLES WILLIAMS (DOB: December 30, 1988).

4. Based on the facts set forth below, I respectfully submit that there is probable cause to believe that a DNA sample taken from WILLIAMS will constitute evidence of possible

violations of federal law, to wit, Felon in Possession of a Firearm, in violation of Title 18, United States Code, Section 922(g)(1).

5. The information in this affidavit is based upon my conversations with law enforcement agents and others, review of evidence, and examination of reports and records. Where statements of others are related in this affidavit, they are related in substance and in part unless otherwise noted. Because this affidavit is being submitted for the limited purpose of establishing probable cause to obtain DNA/buccal oral swabs from WILLIAMS, I have not included herein the details of every aspect of the investigation. Facts not set forth herein are not being relied on in reaching my conclusion that the requested search warrant should be issued, nor do I request that this Court rely on any facts not set forth herein in reviewing this application.

#### **PROBABLE CAUSE**

##### **Background**

6. I am currently investigating WILLIAMS' possession of a firearm at Travel Lodge, 42 Wolf Road, Colonie, NY on November 18, 2021.

7. WILLIAMS has two prior convictions: (1) the New York City Criminal Court sitting in Bronx County sentenced WILLIAMS to nine months imprisonment for Assault in the Third Degree on March 12, 2018; and (2) the Supreme Court of the State of New York sitting in Bronx County sentenced WILLIAMS to eight years imprisonment for Assault in the First Degree on January 11, 2010.

8. WILLIAMS also has multiple pending violent felony offenses. An indictment filed in Rensselaer County Court in January 2022 charges WILLIAMS with Robbery in the First Degree, Kidnapping in the Second Degree, Assault in the Second Degree, and Unlawful

Imprisonment in the First Degree.<sup>1</sup> On November 23, 2022, WILLIAMS was arrested and arraigned on a complaint in Albany City Court charging him with Robbery in the First Degree, Kidnapping in the Second Degree, Unlawful Imprisonment in the First Degree, and two misdemeanors.

Investigation and DNA Analysis

9. On November 18, 2021, detectives from the North Greenbush Police Department went to Travel Lodge, 42 Wolf Rd, Colonie, NY while investigating the charges underlying the Rensselaer Indictment. The detectives spoke with Dominica Sheldon, who told them that she was staying in room # 233 with WILLIAMS. Sheldon consented to a search of that room.

10. When conducting the search of the hotel room, the detectives recovered an unloaded .357 caliber Smith and Wesson revolver with serial number AYJ9533 (“the firearm”) from a nightstand. Sheldon told the detectives that WILLIAMS stayed on the side of the bed closest to the window, and NGPD recovered the firearm from the nightstand on the side of the bed closest to the window.

11. Law enforcement swabbed the firearm for DNA. Those swabs were then sent to the New York State Police Forensic Investigation Center (“SPFIC”) for analysis. The swab of the grip of the firearm had a DNA mixture from at least two donor with the major contributor being “John Doe 1.” The swab of the barrel/cylinder of the firearm was consistent with at least three donors, at least one of which is male.

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<sup>1</sup> WILLIAMS was arrested for these offenses—which occurred on October 23, 2021—on November 18, 2021. However, he has never been charged for anything arising on November 18, 2021, the date of the offense I am now investigating.

12. A water bottle was also present in the hotel room. Law enforcement swabbed that bottle for the presence of DNA and sent it to SPFIC for analysis. The analysis revealed the presence of John Doe I's DNA on the water bottle.

13. The Bureau of Alcohol, Tobacco, Firearms, and Explosives conducted a Firearms Trace on the firearm, and that inquiry revealed that the firearm was previously-shipped to a federally-licensed weapons dealer in Florida.

14. Based on all of the facts and circumstances described above, I believe probable cause exists that WILLIAMS possessed a firearm notwithstanding his previous felony conviction in violation of 18 U.S.C. § 924(g)(1) on November 18, 2021. Collecting a DNA sample from WILLIAMS for comparison with DNA profiles maintained by the SPFIC may confirm the presence of WILLIAMS's DNA on firearm and/or the water bottle, which would be further evidence of WILLIAMS possession of the firearm.

#### **REQUESTED DNA SAMPLES**

15. Based on my training and experience, a DNA/buccal oral swab will be obtained by using Q-tips and swabbing the inside of WILLIAMS's mouth – specifically, the linings of his cheeks. To ensure a successful test, we will obtain two samples from each cheek. Based on my training and experience, I know obtaining saliva for DNA comparison is a relatively non-invasive process requiring one or two painless swipes of the oral cavity with a sterile swab. From my experience, I know that this procedure imposes virtually no physical risk, trauma, or pain.

16. The DNA samples will then to be placed in sealed containers and ultimately transported to the SPFIC in Albany, New York for analysis.

17. WHEREFORE, I respectfully request that a search warrant be issued pursuant to Rule 41 of the Federal Rules of Criminal Procedure, authorizing myself and other law enforcement



officers to obtain DNA samples from WILLIAMS, in accordance with the procedures set forth above.

Attested to by the affiant,



Robert Imburgio  
Deputy U.S. Marshal

I, the Honorable Daniel J. Stewart, United States Magistrate Judge, hereby acknowledge that this affidavit was attested by the affiant by telephone on November 29, 2022, in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure



HON. DANIEL J. STEWART  
UNITED STATES MAGISTRATE JUDGE